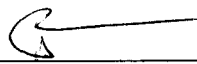
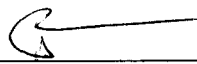
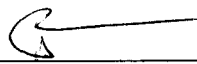


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PTO/SB/33 (07-05)  
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)												
		2003-0065 / 24061.508												
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>August 11, 2006</u></p> <p>Signature <u>Linda Ingram</u></p> <p>Typed or printed name <u>Linda Ingram</u></p>		Application Number	Filed											
		10/688,045	October 17, 2003											
		First Named Inventor												
		Huan-Just Lin, et al.												
		Art Unit	Examiner											
		1722	Robert M. Kunemund											
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td></td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Signature Wing Y. Mok</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,237</u></td><td>Typed or printed name (972) 739-8626</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>Telephone number August 11, 2006</td></tr><tr><td></td><td>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <table border="1"><tr><td><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</td></tr></table>				<input type="checkbox"/> applicant/inventor.		<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature Wing Y. Mok	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,237</u>	Typed or printed name (972) 739-8626	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Telephone number August 11, 2006		Date	<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.
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	Date													
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.														

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No.
Huan-Just Lin, et al.	§	TSMC2003-0065/ 24061.508
	§	
Serial No.: 10/688,045	§	Group Art Unit: 1722
	§	
Filed: October 17, 2003	§	Confirmation No. 9213
	§	
For: Fully Dry, SI Recess Free Process for	§	Examiner: Kunemund, Robert M.
Removing High K Dielectric Layer	§	
	§	

**REASONS IN SUPPORT OF**  
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following reasons in support of the concurrently filed Pre-Appeal Brief Request for Review.

**Reasons**

I. Applicants submit that there is clear error with respect to the Examiner's rejection of claims 1-5, 8-10, 15, 20-24, 27-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,451,647 to Yang et al. ("Yang") in view of U.S. Patent No. 6,436,838 to Ying et al. ("Ying"). As described in detail on page 9 of Applicants' Response to Final Office Action (dated July 10, 2006), the rejection of claim 1 is deficient because the references clearly fail to teach or suggest the claim 1 limitation reciting "etching through said exposed portions of said high k dielectric layer with a plasma etch comprised of an inert gas,  $\text{BCl}_3$ , and one or more fluorocarbon gases  $\text{C}_x\text{H}_y\text{F}_z$ , wherein x and z are integers and y is an integer or is 0, or  $\text{CH}_4$ ."

Specifically, the Final Office Action relies on Yang's disclosure at column 3, lines 25-55 of "a  $\text{BCl}_3$  or  $\text{SiCl}_4$  principal etchants that are used in combination with argon, oxygen, nitrogen,

chlorine or a combination thereof,” even though Ying fails to disclose one or more fluorocarbon gases  $C_XH_YF_Z$ . In addition, the Final Office Action relies on Yang’s disclosure at column 12, lines 1-10 of “a plasma etchant that comprises oxygen, fluorine-containing material, and inert gas,” even though Yang fails to disclose  $BCl_3$ . Furthermore, the Advisory Action dated Aug 1, 2006 relies on the fact that the combination of Ying and Yang teaches the claimed invention including the specific gases used to etch the material, even though there are no teaching or suggestion in Ying to include one or more fluorocarbon gases  $C_XH_YF_Z$  in the plasma source gas and no teaching or suggestion in Yang to include  $BCl_3$  in the plasma etchant.

Claim 20 recites similar features as claim 1 and were rejected for the same rationale. Therefore, claim 20 suffers the same error in rejection as claim 1. Claims 2-19 and 21-40 depend from and further limit claims 1 and 20 respectively and therefore suffer from the same errors in rejection as claims 1 and 20.

**Conclusion**

It is respectfully submitted that claims 1-40 in the application are in condition for allowance.

Respectfully submitted,

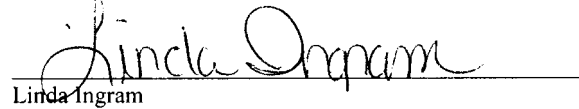


Wing Y Mok  
Registration No. 56,237

Dated: \_\_\_\_\_  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972 739-8626  
Facsimile: 214 200-0853  
Attorney Docket No.:  
2003-0065/24061.508  
File No. 142743.1

**Certificate of Service**

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on August 11, 2006.

  
Linda Ingram